

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2016

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO SURPLUS AND SELL COUNTY-OWNED REAL PROPERTY
LOCATED AT 790 AND 800 CORNWALL STREET IN THE UNINCORPORATED AREA OF CAMBRIA

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo currently owns two irregularly shaped lots at 790 Cornwall Street ("Cornwall Properties") totaling approximately 17,229 square feet of vacant land zoned Commercial Retail in Cambria, CA, Assessor's Parcel Numbers 022-123-003 and 022-123-022 ; and

WHEREAS, the sale of County property is regulated by Title 3 of the Government Code of the State of California; and

WHEREAS, Government Code Section 25526 provides that County-owned real property may be sold in accordance with the provisions of said code section after the adoption of a resolution by two-thirds vote of the members of the Board of Supervisors declaring the Board's intention to surplus and sell said property; and

WHEREAS, Government Code Section 25527 provides that the Board may authorize the payment of a real estate commission to a real estate broker who is instrumental in obtaining a proposal; and

WHEREAS, in accordance with Government Code Sections 25526 and 25527, the Board of Supervisors passed and adopted Resolution #2014-5 on January 7, 2014, Resolution #2014-88 on April 8, 2014, Resolution #2014-170 on July 8, 2014, Resolution #2014-274 on October 7, 2014, Resolution #2015-270 on October 20, 2015, and Resolution #2016-28 on January 26, 2016 declaring the Cornwall Properties to be surplus and not necessary for County use, authorizing payment of a real estate commission, and setting the dates of April 8, 2014, July 8, 2014, October 7, 2014, January 13, 2015, January 26, 2016, and May 10, 2016, respectively, for the public auction of the Cornwall Street Property; and

WHEREAS, after no bids were received at the first four auctions and after the Board had authorized a reduction of the minimum bid from \$250,000 to \$210,000 in Resolution #2014-170, the Board signed Resolution #2015-15 on January 13, 2015, rescheduling the auction to April 21, 2015 with no other changes in terms; and

WHEREAS, after no bids were received at the fifth auction, the Board signed Resolution #2015-270 on October 20, 2015, which authorized a reduction of the minimum bid from \$210,000 to \$157,500 and rescheduled the auction to January 26, 2016 with no other changes in terms; and

WHEREAS, after no bids were received at the sixth auction, the Board signed Resolution #2016-28 on January 26, 2016, rescheduling the auction to May 10, 2016 with no other changes in terms; and

WHEREAS, the County has given notices to other government agencies of the availability of these lots

pursuant to Government Code Section 54220 et. seq. and received no offers to purchase, pursuant to Government Code Section 54222; and

WHEREAS, the Clerk of this Board has given notice of this Board's intention to surplus and sell the Cornwall Properties pursuant to Government Code Section 25526 with the Resolution posted pursuant to Government Code Section 25528 and notice published pursuant to Government Code Section 6063 in a newspaper of general circulation published in the County; and

WHEREAS, the County Planning Director has determined that the County's disposition of the Cornwall Properties is in conformity with the County's General Plan and said determination was filed with the County Planning Commission on October 24, 2013; and

WHEREAS, the County Environmental Coordinator has issued a Notice of Exemption from the California Environmental Quality Act, citing Categorical Exemption Section 15312 (a)(b)(2); and

WHEREAS, it is in the public interest to surplus and sell these parcels; and

WHEREAS, the County adopts this Resolution in compliance with Government Code Section 25526.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Pursuant to Government Code Section 25526 et. al. and Resolution #2016-28, the Chairperson of the Board is authorized to conduct a public auction of the Cornwall Street Properties to the highest qualified bidder. At 1:30 PM, or as soon as possible thereafter, on May 10, 2016 in the chamber of the County Board of Supervisors, New County Government Center, 1055 Monterey Street, San Luis Obispo, the Board will open, examine, and publicly declare the written sealed bids, then will call for oral bids, and the proposal which is highest shall be finally accepted and the Board shall approve this Resolution to authorize the sale, unless the Board rejects all bids.
2. Said sale shall be upon the following terms and conditions:
 - a. The minimum acceptable bid price for the Cornwall Street Properties shall be no less than \$157,500 and shall be payable in cash through escrow. No oral or written bid below that amount will be considered.
 - b. A nonrefundable deposit of \$10,000 payable by cashier's check to the County of San Luis Obispo shall be required with the bid.
 - c. Escrow shall close within 45 days following acceptance of the bid by the County Board of Supervisors.
 - d. The Cornwall Street Properties will be sold together in as-is condition, with no repairs or reports provided by the County except a preliminary title report.
 - e. No conditions of sale will be accepted, including financing conditions, except that the sale will be subject to the approval of the assignment of 1.29 water equivalent dwelling units by the Cambria

Community Services District to the purchaser at the purchaser's sole cost.

- f. Upon successful close of escrow, a real estate sales commission of three percent (3%) of the selling price, or an amount as otherwise determined by California Business & Professions Code Section 10131, and California Government Code Sections 25531 and 25532, shall be payable from the proceeds of sale to a selling licensed real estate broker who is instrumental in obtaining the offer to purchase, provided that the name of the broker and rate is identified at the time of the bid.
 - g. County and purchaser shall pay their own customary closing costs for San Luis Obispo County.
 - h. Title to the Cornwall Street Properties shall be transferred in the form of a grant deed. The Title Company shall be selected by the County.
 - i. The County will convey all right, title and interest which it owns in the Cornwall Street Properties and title conveyed shall be subject to all liens and encumbrances, easements, rights of way, taxes and assessments, if any, and deed covenants, conditions and restrictions, whether recorded or not.
 - j. The County reserves the right to reject any and all bids and to waive irregularities in any bid received. If the successful bidder fails to purchase the Cornwall Street Properties, the County reserves the right to take such measures as it deems appropriate to sell the properties. The County may, but shall have no obligation to, accept the next highest bid.
3. The net proceeds from this sale shall be applied toward the purchase and improvement of the new Cambria library at 1043 Main Street in accordance with the Second Memorandum of Understanding between the Friends of the Cambria Library and the County of San Luis Obispo dated November 4, 2014, or as future amended.
4. A Budget Adjustment Request reflecting this sale transaction and payment of the net proceeds toward the Library's Facilities Planning Reserve, Fund Center 1205, is hereby authorized. Said Budget Adjustment Request will be finalized by the Auditor-Controller's Office after net proceeds and costs associated with the sale have been calculated at close of escrow.
5. The County Real Property Manager is hereby authorized to sign the escrow documents related to this sale transaction and all other documents required to close escrow, with the exception of the grant deed.
6. The Chairperson of the Board is hereby authorized to execute a grant deed to be delivered by the County Real Property Manager to the escrow company.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted:

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

BY: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: Sharon G. Matuszewicz
Deputy County Counsel

Dated: April 27, 2016